

Margit

CHAIRMAN'S AND EXECUTIVE DIRECTOR'S REPORT FOR MAY 22 MEETING

✓ 1. Call to Order/Attendance.

CHAIR: Pat McCarty is planning to be here later. Call on MARGIT.

✓ 2. Public Comments.

CHAIR: Ask for comments on items NOT on the agenda.

✓ 3. Minutes of the March 27, 1997 Meeting.

CHAIR: Needs MOTION, and SECOND; VOICE VOTE.

*Notable
Annos*

✓ 4. Chairman's Report.

Next meeting of the Commission is scheduled for Thursday, July 24 here in the Jean Harvie Community Center at 6:30 p.m. Tentatively scheduled for that meeting are: Report from Department of Parks and Recreation staff on the Recreation Users Survey; an update on Big Break; and a briefing by the Corps on the proposed Federal-State study on Delta levees.

I want to welcome out new representative from the State Lands Commission, Dwight Sanders. Commissioner Sanders is the Chief of the Environmental Planning and Management Division; Steve's old boss. As you may know, Steve Sekelsky and his wife Jane are retiring and moving to Montana at the end of June. We will miss Steve on the Commission and wish both of them a great retirement.

Changes to Tonight's Agenda:

1. Item #13, Briefing on the 120 Day FEAT report will be rescheduled to the next meeting; the report has not yet been released.

2. Item #8, Report from the Budget, Finance, and Administration Subcommittee will be taken up later on the agenda, after Chairman McCarty arrives, before Item #14.

3. We will hear Commissioner Comments and Announcements just prior to meeting adjournment.

Upcoming Subcommittee Meeting: Recreation Users Oversight

Committee will meet on Friday, June 6 at 3 pm at the Sacramento County offices.

Assembly Member Tom Torlakson has been designated to serve as the ex-officio member of the Delta Protection Commission representing the Assembly.

Approved
Resolution of Appreciation for Heather Fargo: In your packet; a draft resolution for our first Vice Chair, and former SACOG representative, Councilmember Heather Fargo. Needs MOTION, SECOND, and VOICE VOTE.

5. Attorney General's Report.
CHAIR: Call on Dan Siegel.

Amey Salmon

6. Executive Director's Report.

REVIEW HANDOUTS AT MEETING:

- * Corrected "CALFED Memo re: Approach to Impact Analysis"

- * Letter to California Journal: multi-page article about restoring the Delta; incorrectly stated the Commission bitterly opposes any type of off-Delta facility"; the Chair has sent the letter to clarify the Commission has taken no position on the CALFED alternatives.

- * Two letters about Spring export from the CALFED management Team to the CALFED Ops Group, and a letter of concern from the Central Delta Water Agency.

- * AB 799: Pending legislation which would allow local governments near the Stockton and Sacramento Deepwater Ship Channels to apply for grants to develop oil spill contingency plans; currently Delta local governments are not eligible; only Bay Area local governments. I am distributing this to ensure that local governments with an interest may want to support the legislation; San Joaquin County has testifying in support. You will recall the briefing on the Department of Fish and Games component of the State's oil spill contingency plan.

- * Press release re: no further lawsuits from BioGro.

- * Letter re: Northern Pike from Jay Sorensen.

In packet: SELENIUM.

- * Included in your mailing packet was a one page memo summarizes what I could find out about selenium. The topic was raised by Commissioner Curry.

Announcements:

- * New release about the Agricultural Waterfowl Incentive Program sponsored by US Fish and Wildlife Service and Bureau of Reclamation: Fall/Winter flooding for habitat for migrating waterfowl; and Spring/Summer flooding to provide breeding habitat for resident waterfowl.
- * New monitoring of levee stability using "time domain reflectometry" or TDR; at known weak spot can bury a \$10,000 inclinometer to measure soil stability. Kjeldsen, Sinnock and Neudeck is testing the TDR method along a stretch of levee on Tyler Island.
- * San Joaquin River designated No. 4 on the list of 10 most endangered rivers by American Rivers, an environmental lobbying group (Top three were: Missouri River, Upper Hudson River, and White Salmon River in Washington).

MEETINGS SINCE LAST DELTA PROTECTION COMMISSION MEETING:

- * Budget Hearing-2
- * Delta In Channel Islands-2
- * Delta Levee Habitat Advisory Committee-2
- * Appeared in support of SB 172; Senator Rainey's bill to set up a program to fund and speed up removal of abandoned vessels-2.
- * Spin off from Resources Agency Group, trying to develop means to increase reused of materials dredged in the Delta for Delta projects, either levee maintenance or habitat improvement projects; met with SLC and Corps and Port of Stockton, follow-up meeting with RWQCB and Corps.

ASH ON AG LAND:

I informed you some time ago of a proposal before the Integrated Waste Management Board of Cal EPA to develop regulations for the "beneficial agricultural reuse" of "nonhazardous ash". I sent a letter on behalf of the Commission indicating the Commission's concerns generally about importing materials into the Delta and asking to be kept informed as to the character of the material to be placed. Now, as of April, the Waste Board is stepping away from "beneficial agricultural reuse"; and the Department of Food and Ag will be reviewing its existing regulations to determine what types of ash would be appropriate and suitable for use on certain agricultural crops. Bottom line, DFA will step in and address these issues, rather than the Integrated Waste Management Board.

SLUDGE:

- * Letters to local governments mailed on April 8.
- * San Joaquin County adopted ordinance prohibiting use of sludge in the County-April 8
- * Bio Gro did not pursue an appeal of the Commission's actions association with the adoption of the regulation; has withdrawn federal lawsuit; and issued press release on the end of the sludge battles.

HIGH WATER ISSUES:

- * SLC sponsored group has completed its meetings; SLC staff has prepared a letter requesting additional communication between agencies for signature by Rds, local governments, and State agencies. When all signatures obtained, will forward to Commissioners.
- * Attended Governors FEAT Work Shop held in the Delta on Monday April 21, 1997. Presented comments to the group. Several knowledgeable members of the community were invited to participate, including Commissioner Mello.

Commission NEWS:

- * Have hired Walter Kornichek to be a full time Environmental Services Intern for the next nine months. Colleen has graduated from McGeorge Law School.

7. Pending Projects Memo.

CHAIR: Any Comments or questions? (No action)

9. Briefing on Northern Pike, a Non-Native Fish. (No Action)

CHAIR: Introduce Banky Curtis, Regional Manager for Region II of Department of Fish and Game. Region II covers most of northeast corner, Sacramento Valley, Delta, and Central Sierras. Mr. Curtis will brief the Commission on the Northern Pike and describe what could happen if the Northern Pike is introduced into the Delta. NOTE: The Commission has received a letter from Jay Sorensen, founder of the California Striped Bass Assoc.

10. Briefing on Submittal from the City of Stockton Regarding Conformance with Land Use and Resource Management Plan for the Primary Zone of the Delta Amendment Regarding Utilities and Infrastructure P-3.

CHAIR: Call on MARGIT.

MARGIT: In response to the Commission's letter regarding adoption of P-3; the Commission received a submittal from the City of Stockton. The submittal indicates the City's recent General Plan amendment ensures conformance with the recently adopted regulation regarding sewage treatment plants and biosolids in the Primary Zone, and that no further action is required by the City.

I have coordinated with the Attorney General's office and our belief is that this submittal is adequate for compliance with the Act.

The Commission has two options: if the Commission concurs with the staff finding, I will send a letter to the City stating no further action is required. If the Commission wants to consider the matter further, the Commission should set a public hearing for the next meeting.

CHAIR: Any questions of Staff?

Commission discussion? ACTION only if Commission wants to set a public hearing.

11. Public Hearing on Draft Inventory of Recreational Facilities.

CHAIR: Call on Margit.

MARGIT: When the Commission decided to carry out further study of recreational uses in the Delta, the majority of the work was contracted to the Department of Parks and Recreation. The Department's staff has been carrying out a recreation users survey using a pool of 10,000 boaters statewide and 10,000 anglers statewide. The Commission will be receiving a report on the survey at the next Commission meeting in July.

One associated task was development of an inventory of recreational facility in and near the Primary Zone of the Delta. That work has been carried out by your staff. I started with an inventory of marinas prepared by Department of Boating and Waterways, sought inventories and other information from the Cities and Counties, and reviewed

books, pamphlets, maps, magazine and newspaper articles. Each site has an inventory sheet, almost all of the sites have been visited by staff.

The Draft inventory before you has been circulated to city and County Planning and Recreation Departments, the Commission's Citizens Advisory Committee, and the Commission's Recreation Users Oversight Subcommittee. Comments received have been incorporated into the draft; an additional comment from Gil Labrie noted that Vollman Clark Marina is now called Dagmar's Landing and is missing from the summary of small marinas; that correction will also be made.

The purpose of this evening's public hearing is to allow the Commission to comment on the information; to review and make comments on the format of the draft report. At this time, there is no plan to carry out further studies of recreational needs; the information would be available to local governments, special districts, developers, state agencies and others that are considering development of new recreational facilities in the Delta.

CHAIR: Commissioner questions (only)?

CHAIR: Open Public Hearing; Close public hearing; allow additional time for submittal of written comments, until end of June?

CHAIR: Open for Commission discussion...

CHAIR: At end of Commission discussion, summarize directions to staff.

12. Briefing on Recent CALFED Documents: Ecosystem Restoration Program Plan and Environmental Impact Memo

CHAIR: Call on Margit.

MARGIT: Commission has received two memos: one "Highlights of CALFED Draft ERPP, dated April 8, 1997; and two, CALFED Memo re Approach to Impact Analysis. You have received a corrected copy of the second document tonight, the mailed copies had only some of the even pages. Regarding the ERPP, the ten page memo was prepared by staff and describes the

Executive Summary; page 11 is a map which illustrates the four subareas of the Delta and then Table 2, which is from the CALFED report. The complete ERPP is due to be released in June, a meeting of the new CALFED Subcommittee will be scheduled in July to review the complete plan. One of the key features is that some of the acreage goals appear to overlap, for example, the first goal is to incorporate 10% of leveed lands into the active floodplain of the Delta; those lands could also be used to meet acreage goals for tidal perennial habitat, fresh emergent wetland habitat, and riparian habitat. In addition to the Executive Summary, at the April 8 workshop, a draft report on the Delta was distributed. Starting on Page 4, this chapter describes in more detail how and where the general goals in Table 2 would be implemented. You can see that the focus of much of the restoration is proposed for areas which have already been discussed such as the Little, Holland, Liberty and Prospect area in Yolo and Solano Counties; and area on the east bank of the South Fork of the Mokelumne River; Twitchell and Sherman Islands, and the Yolo Bypass.

The second memo was prepared by CALFED for a workshop on the approach toward its environmental document. The memo describes the three phases of the CALFED program; the level of detail to be in the environmental document, not too general and not too specific; the series of technical reports that will be prepared for various topics, with summaries included in the environmental document. Starting with page 5, the memo includes summaries of the proposed assessment methods that will be used for many of the resource categories: hydrology and water management; vegetation and wildlife; fisheries and aquatic ecosystems; levee system integrity; economics and land use; water quality; air quality; noise; visual resources; cultural resources; public health and environmental hazards; recreation resources; geomorphology and soils; traffic and navigation; utilities and public services; and social well-being.

CHAIR: Commission questions of staff?

Commission comments?

Any additional members interested in the new CALFED Subcommittee, volunteer now, or contact staff.

13. Briefing on Governor's Flood Emergency Action Team (FEAT)
120 Day Report.

CHAIR: Report has not yet been issued; this item will be rescheduled for the next Delta Protection Commission meeting.

8. Report from the Budget, Finance and Administration Subcommittee.

CHAIR: Because the Chair of the Subcommittee, Steve Sekelsky, has left the Commission, and I am a member, I will make a report even though I was not in attendance. The Subcommittee met Wednesday April 30; reviewed draft work plan and budget; recommended approval. A separate matter came up at the meeting; the issue of whether the Commission's funds, contracted to CSUS Sonoma through the Commission action at the March meeting, should be spent on Department of Fish and Game owned lands as well as on privately-owned lands as part of the Delta In-Channel Islands demonstration project. Staff has spent considerable amount of time addressing how the islands were selected and what options there are. I would like Margit to make a report.

MARGIT: Mr. Chairman, the Subcommittee raised very strong concerns about the use of the Commission's funds to carry out a project on DFG-owned lands, where DFG funds could be used. I went back to research this issue and want to make a brief presentation in support of the sites selected for the project: Webb Tract Channel Islands and Little Tinsley Island.

The SFEP In-Channel Work Group has been meeting since Feb 1996, with the intent of developing a list of techniques and materials which have been reviewed and approved by the staff persons in the various agencies with regulatory authority over habitat protection and improvement projects. As you recall, the various projects carried out at Staten Island all used rock riprap; the resource agency staffs have seemingly turned against riprap and want other, softer materials used. These softer materials have not been used in the Delta before, and they include fiber logs, brush baskets, fiber mats and others. The Group decided the best way to move forward is to seek funding for and carry out

demonstration projects using these softer materials. The overall Group designated a Subcommittee to select sites for the demonstration projects. They used the following PROJECT criteria:

1. Must be technically feasible.
2. Complete quickly (in 1997).
3. Demonstrate different bank protection methods.
4. Demonstrate improvement in fish and wildlife resources using pre and post project inventories.
5. Offer opportunities to create more habitat through restoration not just protection.

They used the following SITE criteria:

1. Located east of the Sacramento River, north of Highway 4, and in the Legal Delta.
2. Avoid existing infrastructure.
3. Consistent with CALFED.
4. Will not impinge on navigation.
5. Landowner cooperation/no legal restrictions.

The group included the individuals who must issue the permits for the projects including: Corps, SLC, DFG endangered species, and USFW endangered species; plus other DFG, SFEP, and others. This group met three times and took two field trips. The group recommend Webb Tract channel islands, and Little Tinsley Island.

Little Tinsley Island is a channel island, created by the Deep Water Ship Channel, and owned by a yacht club. They will be placing rock riprap near their docks and will allow the remainder of the island shoreline to be used for a variety of techniques which can be line up side by side for comparison and evaluation. This site is not associated with a Reclamation District, or any levees.

The Webb Tract In Channel Islands are owned by DFG, but Webb Tract itself is in private ownership and the owner is fully supportive of any work on the channel islands which will protect the levee on Webb Tract. I found out that in the past, Webb Tract asked permission to do work on some of the channel islands, but an agreement could not be reached with DFG. The large number of islands around Webb Tract allow a selection from a variety of habitats for experimentation. Three have been selected: a shoal with no vegetation; a low berm with scirpus only; and a higher berm with shrub scrub and trees. While DFG will make the islands available for

the project, they do not have funds set aside for the type of project proposed. However, through the SB 34 program, for enhancement of habitat, funds will be made available as part of the overall funding of the project.

Due to the thoroughness and unique make-up of the selection committee, and the need to spend the Commission's funds this fiscal year, I am suggesting the Commission go forward with the selected sites: Webb Tract In-Channel Islands and Little Tinsley Island, with the hope that this demonstration project will open up CALFED funds and streamlined approvals to allow this type of work to be carried out throughout the Delta to enhance habitat and to protect the Delta levees.

PAT: With that report, if there are no further concerns from the Commission members, I will direct staff to proceed with the project as described here. NO ACTION REQUIRED.

14. Public Hearing and Possible Adoption of Proposed Budget and Work Plan for FY 97-98.

PAT: The Commission will hold a public hearing and possibly adopt the proposed budget and work plan. Please note the Budget Finance and Administration Subcommittee reviewed and recommended approval to the full Commission.

PAT: Any questions of Staff?

Open Public Hearing; Close Public Hearing

PAT: Commission discussion. Needs MOTION: SECOND, and VOICE VOTE.

15. Disposition of Unallocated Funds from FY 96-97 Budget.

PAT: Call on Margit.

MARGIT: It is anticipated that the Commission will have unexpended funds at the end of the fiscal year. The Commission has referred the question of whether residual funds on one fund can be used to "pay off" the loan from the Environmental License Plate Fund, which is a different fund. Staff also prepared some alternatives of how to spend the funds, if they could not be used to pay off the ESL loan. This was the direction from the Budget and Finance

Subcommittee; see if the funds could be used to pay off the loan, if not, try to spend the funds.

DAN:

MARGIT: The Commission should discuss and then direct staff with disposition of the currently unallocated funds. Options outlined in the memo include: purchase of supplies; purchase of replacement and new requirement; purchase data now proposed to be purchased next fiscal year through the Teale Contract, buy a conservation easement, or use the funds for another Delta project.

PAT: Any questions of staff; Commission discussion. Public comment? Need MOTION; SECOND; and VOICE VOTE.

16. Public Hearing and Possible Approval of Contract with Teale Data Center for FY 97-98. The Commission will hold a public hearing and possibly approve a proposed contract with Teale Data Center to provide GIS services for FY 97-98.

PAT: Call on MARGIT.

MARGIT: The only consultant contract proposed for next fiscal year is one with Teale Data Center, to continue the Commission's GIS program. The focus would be increased data on agricultural activities and acquisition of parcel information from the Counties to allow a parcel-based land use monitoring system. Roger Ewers is here from Teale and is available to answer questions.

PAT: Questions of staff; Commission discussion; Public Comment? Needs MOTION, SECOND; and VOICE VOTE.

- 16.A Commissioner Comments & Announcements
17. Adjourn.